In the High Court of Punjab and Haryana, Chandigarh.

C.W.P.No.17422 OF 2006

Date of Decision: 17.11.2006

ASI Ram Kumar …Petitioner.

Versus

State of Haryana & Others. …Respondents.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE S.N.AGGARWAL

Present: Mr.Bijender Dhankar, Advocate for the Petitioner.

JUDGMENT

M.M.KUMAR, J. (ORAL)

The prayer made by the petitioner in the instant petition is that the order dated 21.7.2005 (Annexure P2) passed by the Superintendent of Police, Sonepat, inflicting upon him the punishment of stoppage of two increments with cumulative effect be set aside. The Superintendent of Police, Sonepat, respondent No.4, had taken a lenient view and had imposed the aforementioned

punishment. It is appropriate to mention that the petitioner has been found guilty in the regular departmental enquiry, inasmuch as he failed to take action against one Raj Kumar who had entered the Police Station where the petitioner was posted as Incharge of that Police Station. He failed to take any action against the aforementioned accused, despite the fact that he hurled abuses at the police personnel. The order dated 21.7.2005 (Annexure P2) has been upheld in appeal vide order dated 27.1.2006 (Annexure P4) and the revision petition has also been dismissed vide order dated 8.7.2006 (Annexure P6) which is also made subject matter of challenge in this petition.

After hearing learned counsel for the petitioner at some length we find that the Enquiry Report dated 26.5.2005 (Annexure P1) conducted by the Deputy Superintendent of Police, Ganaur, does not suffer from any legal infirmity as the findings recorded against the petitioner are based on evidence. The contention raised by the petitioner that the version of the department has not been supported by PW.3 and PW4, does not require any detailed consideration because a detailed preliminary enquiry was conducted by Sh.Ranbir Singh, Inspector, PW.6, who himself appeared as witness and tendered in evidence a preliminary enquiry report conducted by him as Ex.PW5-A, which substantively supports the version of the department. Therefore, it cannot be concluded that it is a case of no evidence. In any case, this Court cannot sit over the Enquiry Report (Annexure P1) as Court of

appeal and the findings accepted by the Punishing Authority i.e. Superintendent of Police, Sonepat.

There is no merit in the petition. Accordingly, the same is dismissed.

(M.M.KUMAR)
Judge

November 17, 2006 **(S.N.AGGARWAL)**
dkb **Judge**